Reading Borough Council
Working better with you

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Our Ref: 210754

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13 July 2021

HTA Design LLP
78 Chambers Street
London
E1 8BL

Your contact is: Mr Jonathan Markwell, Planning

Dear HTA Design LLP,

TOWN AND COUNTRY PLANNING ACT 1990

Application Reference: 210754
Application type: Approval of Conditions
Address: Wensley Road, Reading
Proposal: Partial discharge of condition 39 (Archaeological Fieldwork Evaluation) of planning permission 200122, as granted on 16/12/2020.

I refer to your Approval of Conditions application as described above.

Context

As a means of context, it is first clarified that approval of details application 210387 partially discharged on 18/03/2021 the elements of condition 39 shown in green below, with the elements in red remaining outstanding:

> 39. * No development, including demolition or site preparation works, shall take place within the application area until the applicant, their agents or successors in title have secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy will provide for:
>
> i) A programme of site investigation and recording, or alternative appropriate mitigation, within the area of archaeological interest. Development will not commence within the area of archaeological interest until the site investigation has been satisfactorily completed.

ii) A programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the WSI or unless otherwise agreed in writing by the Local Planning Authority

Reason: The site lies within an area of archaeological potential; specifically, outside of the major 20th-century structures, the site has the potential for prehistoric remains. A programme of archaeological work is required to mitigate the impact of development and to record any surviving remains in order to advance our understanding of their significance in accordance with national policy and Policies EN1 and EN2 of the Reading Borough Local Plan 2019.

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At the outset of this approval of details application it was originally proposed for the remainder of the condition to be sought to be discharged in full. However, following feedback from Berkshire Archaeology, it was subsequently agreed in correspondence with the agent of the applicant that this application would now only seek to partially discharge further elements of the condition, with an additional later submission required in due course to discharge the condition in full. In combination with 210387, this application would result in the elements detailed in green below being discharged and those in red requiring a future separate submission:

39. * No development, including demolition or site preparation works, shall take place within the application area until the applicant, their agents or successors in title have secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy will provide for:

i) A programme of site investigation and recording, or alternative appropriate mitigation, within the area of archaeological interest. Development will not commence within the area of archaeological interest until the site investigation has been satisfactorily completed.

ii) A programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the WSI or unless otherwise agreed in writing by the Local Planning Authority

Reason: The site lies within an area of archaeological potential; specifically, outside of the major 20th-century structures, the site has the potential for prehistoric remains. A programme of archaeological work is required to mitigate the impact of development

and to record any surviving remains in order to advance our understanding of their significance in accordance with national policy and Policies EN1 and EN2 of the Reading Borough Local Plan 2019.

With the above in mind, I refer to the above application to partially discharge planning permission condition 39 and respond as follows:

Partial discharge of Condition 39 (Archaeological investigation)

The Archaeological investigation details, as shown on the following:

Archaeological Evaluation Report by Pre-Construct Archaeology Limited Ref K7082 dated April 2021, as received 13/05/2021

Written Scheme of Investigation for an Archaeological Watching Brief by Pre-Construct Archaeology Limited Ref K7082 Rev 1 RBC Comments dated June 2021, as received 02/07/2021

are considered to be acceptable. This follows feedback from Berkshire Archaeology. However, the confirmation in this letter cannot be taken that the condition is partially discharged (the relevant elements are highlighted in green above), as the Local Planning Authority are aware that vegetation clearance/tree removal works commenced on 01/03/2021. The wording of the condition relevant to the partial discharge of the condition, as sought, required all relevant details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development, including any works of demolition and preparatory works (which based on similar wording associated with condition 5 are clarified as including ground works and vegetation clearance).

However, I can also confirm on the basis of the information provided, there are considered to be no outstanding planning matters in relation to the partial discharge of the condition as sought, nor matters of enforcement, providing that this part of the condition of the development is undertaken in accordance with the above details.

Furthermore, the remaining part of condition 39 which remains outstanding (which are clarified as the areas highlighted in red above) is required to be separately submitted and approved in writing by the local planning authority. This will be through a separate future approval of details application, prior to the commencement of the development of the site solely within Trench area 13, as per the report hereby approved. Put another way, the pre-commencement component of the condition relating to the site as a whole has now been satisfied, with the exception of development within Trench area 13, which shall only commence once condition 39 has been discharged in full.

Should you wish to discuss this matter further, please contact me via my email address.

Yours sincerely

Jonathan Markwell

Mr Jonathan Markwell
Principal Planning Officer

NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse to grant approval for details submitted pursuant to a condition, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the Council's decision on your application, you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (or 12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If the above circumstances do not apply, any appeal must be made within the following time limits.

If the condition(s) relate to a householder application and you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice. If the condition(s) relate to an advertisement application and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice. If you want to appeal against your local planning authority's decision relating to any other type of application (which is not a householder or advertisement application, or an application for a Certificate of Lawfulness) then you must do so within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, tel. 0303 444 5000, or online at https://acp.planninginspectorate.gov.uk/